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Memorandum

To: Commissioner Giudice, MA Department of Energy Resources

Date: February 9, 2009

Re: Response to RPS Public Hearing

In response to comments and questions at the February 5th RPS Public Hearing, Ze-gen, Inc. would like to reiterate its opinion on the definition of "advanced technologies" as they qualify for Renewable Energy Credits. We continue to believe that the RPS should accept all *low-emissions* technologies utilizing renewable fuel sources as producers of Class I Renewable Energy Credits. Ze-gen believes the Massachusetts Department of Environmental Protection and the Department of Energy Resources should jointly define "low emissions" technologies by placing environmentally advanced concentration limits on key emissions currently regulated by the State, including NO_x, SO_2, particulate, mercury, arsenic, etc. If advanced technologies can produce power while maintaining the emissions limits to be defined by the DEP and the DOER, the power should then qualify for these RECs. It is in the best interest of the Commonwealth to encourage the development of technologies that create electricity in an environmentally advanced manner.

That being said, once strict emissions standards are set for advanced technologies, there are ways in which the State can define "organic refuse-derived fuel" for use in these renewable technologies. Many states around the country have defined refuse-derived fuel in broad terms for their RPS programs. For example, Colorado RPS regulations define eligible biomass as "non-toxic plant matter consisting of agricultural crops or their byproducts, **urban wood waste** [emphasis added], mill residue, slash, or brush."

Similarly, Missouri's eligible biomass includes "any organic matter available on a renewable basis, including dedicated energy crops and trees, agricultural food and feed crops, agricultural crop wastes and residues, **wood wastes and residues** [emphasis added], animal waste, aquatic plants, biogas from landfills or wastewater treatment plants."

Texas, New York, and North Carolina similarly include source-separated refuse derived fuel as an eligible biomass resource feedstock for their RPS programs.

Placing limits on the very feedstocks that create the methane through which landfills qualify only serves to limit the State's ability to achieve its renewable energy and waste reduction goals. Emissions-driven regulations that do not exclude waste feedstocks will promote the development of clean technologies that reduce landfilling and produce low-emissions, renewable power for the Commonwealth.